

Maintaining G-4 status for this purpose is defined as maintaining qualified employment with a “G” international organization or maintaining the qualifying family relationship with the G-4 international organization officer or employee. Maintaining status as an N nonimmigrant for this purpose requires the qualifying family relationship to remain in effect. Unauthorized employment will not remove an otherwise eligible alien from G-4 status for residence and physical presence requirements, provided the qualifying G-4 status is maintained.

[54 FR 5927, Feb. 7, 1989]

## PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

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SOURCE: 40 FR 44481, Sept. 26, 1975, unless otherwise noted.

### § 103.1 Delegations of authority.

(a) *Deputy Commissioner.* Without divesting the Commissioner of any of the powers, duties, and privileges delegated by the Attorney General, coextensive authority is delegated to the Deputy Commissioner. The Deputy Commissioner is delegated responsibility for providing overall supervision and direction to the four Executive Associate Commissioners of the Service.

(b) *General Counsel—(1) General.* Under the direction and supervision of the Commissioner, the General Counsel is delegated the authority to carry out the duties of the chief legal officer for the Service, and is assisted by the deputy general counsel(s) and staff. The General Counsel advises the Commissioner, the Deputy Commissioner, and staff on legal matters; prepares legislative reports; and assists in litigation. The General Counsel is delegated the authority to oversee the professional activities of all Service attorneys assigned to field offices and to make recommendations to the Department of Justice on all personnel matters involving Service attorneys, including attorney discipline which requires final action or approval by the Deputy Attorney General or other designated Department of Justice official. The General Counsel is delegated authority to perform the functions conferred upon the Commissioner with respect to production or disclosure of material in Federal and state proceedings as provided in 28 CFR 16.24(a).

(2) *Regional Counsel.* In addition to other legal activities performed under the direction and supervision of the General Counsel, Regional Counsel are

delegated authority within their respective regional areas, concurrent with that of the General Counsel, to perform the functions conferred upon the Commissioner with respect to production or disclosure of material in Federal and state proceedings as provided in 28 CFR 16.24(a).

(c) *Director of Congressional Relations.* Under the direction and supervision of the Commissioner, the Director of Congressional Relations is delegated authority to respond to Congressional inquiries and advise the Commissioner and staff concerning legislative matters of the Service.

(d) *Director of Public Affairs.* Under the direction and supervision of the Commissioner, the Director of Public Affairs is delegated authority to direct and coordinate public affairs policy, public information, news releases, public liaison, and outreach; to advance public affairs and Service initiatives such as naturalization and employer education; and to produce information products.

(e) *Director of Internal Audit.* Under the direction and supervision of the Commissioner, the Director of the Office of Internal Audit is delegated authority to plan, direct, and coordinate the Service's internal audit program and compliance review program; to initiate and to conduct or direct the conduct of investigations of alleged mismanagement by Service employees; to initiate and to conduct or direct the conduct of investigations of alleged misconduct by Service employees, subject to agreements with the Department's Office of Professional Responsibility and Office of Inspector General (OIG); to exercise those powers and authorities necessary to investigate matters which are material and relevant to the administration of the Service, including the power and authority to administer oaths and to take and consider evidence; to collect information concerning the efficiency and effectiveness of Service operations and programs and Service systems to eliminate fraud, waste, and abuse in the workplace; and to act as the Service's liaison with outside audit/inspection agencies.

(f) *Executive Associate Commissioner for Programs*—(1) *General.* Under the direc-

tion and supervision of the Deputy Commissioner, the Executive Associate Commissioner for Programs is delegated authority for policy development, review and integration of the Service's enforcement and examinations programs, and for providing general direction to, and supervision of, the Associate Commissioners for Enforcement and Examinations.

(2) *Associate Commissioner for Enforcement*—(i) *General.* Under the direction and supervision of the Executive Associate Commissioner for Programs, the Associate Commissioner for Enforcement is delegated authority and responsibility for program and policy planning, development, coordination, evaluation, and staff direction to the Border Patrol, Investigations, Detention and Deportation, Intelligence, and Asset Forfeiture programs, and to impose administrative fines, penalties, and forfeitures under sections 274, 274A and 274C of the Act. The Associate Commissioner for Enforcement is responsible for providing general direction and supervision to the:

(A) Assistant Commissioner for Border Patrol;

(B) Assistant Commissioner for Investigations;

(C) Assistant Commissioner for Detention and Deportation;

(D) Assistant Commissioner for Intelligence; and

(E) Director of Asset Forfeiture.

(ii) *Director of Asset Forfeiture.* Under the direction and supervision of the Associate Commissioner for Enforcement, the Director of Asset Forfeiture is delegated the authority to direct and coordinate the Service program under section 274(b) of the Act which provides for the seizure and forfeiture of conveyances used in violation of section 274(a) of the Act.

(3) *Associate Commissioner for Examinations.* (i) *General.* Under the direction and supervision of the Executive Associate Commissioner for Programs, the Associate Commissioner for Examinations is delegated authority and responsibility for program and policy planning, development, coordination, evaluation, and staff direction to the Adjudications and Nationality, Inspections, Administrative Appeals, Service

Center Operations, and Records programs, and to direct and supervise the:

(A) Assistant Commissioner for Adjudications and Nationality;

(B) Assistant Commissioner for Inspections;

(C) Assistant Commissioner for Service Center Operations;

(D) Assistant Commissioner for Records; and

(E) Director of Administrative Appeals.

(ii) *Administrative Fines.* The Associate Commissioner for Examinations is delegated the authority to impose administrative fines under provisions of the Act in any case which is transmitted to the National Fines Office by a district director.

(iii) *Appellate Authorities.* In addition, the Associate Commissioner for Examinations exercises appellate jurisdiction over decisions on;

(A) Breaching of bonds under § 103.6(e);

(B) Petitions for immigrant visa classification based on employment or as a special immigrant or entrepreneur under §§ 204.5 and 204.6 of this chapter except when the denial of the petition is based upon lack of a certification by the Secretary of Labor under section 212(a)(5)(A) of the Act;

(C) Indochinese refugee applications for adjustment of status under section 103 of the Act of October 28, 1977;

(D) Revoking approval of certain petitions under § 205.2 of this chapter.;

(E) Applications for permission to re-apply for admission to the United States after deportation or removal under § 212.2 of this chapter;

(F) Applications for waiver of certain grounds of excludability under § 212.7(a) of this chapter;

(G) Applications for waiver of the two-year foreign residence requirement under § 212.7(c) of this chapter;

(H) Petitions for approval of schools under § 214.3 of this chapter;

(I) Decisions of district directors regarding withdrawal of approval of schools for attendance by foreign students under § 214.4 of this chapter;

(J) Petitions for temporary workers or trainees and fiancées or fiancés of U.S. citizens under §§ 214.2 and 214.6 of this chapter;

(K) Applications for issuance of re-entry permits under 8 CFR part 223;

(L) Applications for refugee travel documents under 8 CFR part 223;

(M) Applications for benefits of section 13 of the Act of September 11, 1957, as amended, under § 245.3 of this chapter;

(N) Adjustment of status of certain resident aliens to nonimmigrants under § 247.12(b) of this chapter;

(O) Applications to preserve residence for naturalization purposes under § 316a.21(c) of this chapter;

(P) Applications for certificates of citizenship under § 341.6 of this chapter;

(Q) Administration cancellation of certificates, documents, and records under § 342.8 of this chapter;

(R) Applications for certificates of naturalization or repatriation under § 343.1 of this chapter;

(S) Applications for new naturalization or citizenship papers under § 343a.1(c) of this chapter;

(T) Applications for special certificates of naturalization under § 343b.11(b) of this chapter;

(U) [Reserved]

(V) Petitions to classify Amerasians under Public Law 97-359 as the children of United States citizens;

(W) Revoking approval of certain petitions, as provided in §§ 214.2 and 214.6 of this chapter;

(X) Orphan petitions under 8 CFR 204.3;

(Y) Applications for advance process of orphan petitions under 8 CFR 204.3;

(Z) Invalidation of a temporary labor certification issued by the governor of Guam under § 214.2(h)(3)(v) of this chapter;

(AA) Application for status as temporary or permanent resident under §§ 245a.2 or 245a.3 of this chapter;

(BB) Application for status as temporary resident under § 210.2 of this chapter;

(CC) Termination of status as temporary resident under § 210.4 of this chapter;

(DD) Termination of status as temporary resident under § 245a.2 of this chapter;

(EE) Application for waiver of grounds of excludability under Parts 210, 210a, and 245a of this chapter;

(FF) Application for status of certain Cuban and Haitian nationals under section 202 of the Immigration Reform and Control Act of 1986;

(GG) A self-petition filed by a spouse or child based on the relationship to an abusive citizen or lawful permanent resident of the United States for classification under section 201(b)(2)(A)(i) of the Act or section 203(a)(2)(A) of the Act;

(HH) Application for Temporary Protected Status under part 240 of this chapter;

(II) Petitions for special immigrant juveniles under part 204 of this chapter;

(JJ) Applications for adjustment of status under part 245 of this title when denied solely because the applicant failed to establish eligibility for the bona fide marriage exemption contained in section 245(e) of the Act;

(KK) Petition for Armed Forces Special Immigrant under §204.9 of this chapter;

(LL) Request for participation as a regional center under §204.6(m) of this chapter;

(MM) Termination of participation of regional center under §204.6(m) of this chapter; and

(NN) Application for certification for designated fingerprinting services under §103.2(e) of this chapter.

(iv) *Director of the National Fines Office.* Under the direction of the Assistant Commissioner for Inspections, the Director of the National Fines Office has program, administrative, and supervisory responsibility for all personnel assigned to the National Fines Office. The Director of the National Fines Office is delegated the authority by the Associate Commissioner for Examinations to impose fines, penalties, and liquidated damages under sections 214, 231, 233, 237, 238, 239, 243, 251, 252, 253, 254, 255, 256, 257, 258, 271, 272, 273 and 274C of the Act.

(v) *Service Center directors.* Under the direction and supervision of the Assistant Commissioner for Service Center Operations, the service center directors are delegated the authority to control all activities conducted within their offices and supervisory responsibility for all personnel assigned to their offices. Center directors are delegated the authority to grant or deny any applica-

tion or petition submitted to the Service, except for matters delegated to asylum officers pursuant to part 208 and §253.1(f) of this chapter, or exclusively delegated to district directors.

(g) *Executive Associate Commissioner for Field Operations—(1) General.* Under the direction and supervision of the Deputy Commissioner, the Executive Associate Commissioner for Field Operations is delegated authority and responsibility for implementing policies of the Service's field operations, and for providing general direction to and supervision of the regional directors and the Director of International Affairs.

(2) *Regional directors—(i) General.* Under the direction and supervision of the Executive Associate Commissioner for Field Operations, the regional directors are delegated authority and responsibility for the Service's field operations within their respective geographical areas, and for providing direction to and supervision of the district directors and chief patrol agents within their respective regions.

(ii) *District directors.* (A) District directors of offices located within the United States are under the direction and supervision of the regional director. District directors of foreign offices are under the direction and supervision of the Director of International Affairs. District directors are delegated authority to control all activities conducted within their offices and to supervise all personnel, except Service attorneys, assigned to their offices.

(B) District directors are delegated the authority to grant or deny any application or petition submitted to the Service, except for matters delegated to asylum officers pursuant to part 208 and §253.1(f) of this chapter, or exclusively delegated to service center directors, to initiate any authorized proceeding in their respective districts, and to exercise the authorities under §§242.1(a), 242.2(a) and 242.7 of this chapter without regard to geographical limitations. District directors are delegated authority to conduct the proceeding provided for in §252.2 of this chapter.

(C) Applications filed for special agricultural worker or legalization status pursuant to sections 210 and 245a of the

Act, respectively, may be approved by the district director having jurisdiction of the office where a second interview is required by the service center, if the alien in the second interview can establish eligibility for approval. District directors may deny applications for special agricultural worker or legalization status at offices under their jurisdiction.

(D) *Officers in charge*—(1) *General*. Under the direction and supervision of the district director, officers in charge are delegated authority to control all activities conducted within their offices and to supervise all personnel assigned to their office. Officers in charge direct inspection activities at ports-of-entry and the authorization of extensions of nonimmigrant admission periods and of voluntary departure prior to the commencement of deportation hearings. The Officers in charge in the places enumerated in §212.1(i) of this chapter are delegated the authority to act on requests for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act.

(2) The offices located in Oranjestad, Aruba; Calgary, Alberta, Canada; Edmonton, Alberta, Canada; Freeport, Bahamas; Hamilton, Bermuda; Nassau, Bahamas; Shannon, Ireland; Toronto, Ontario, Canada; Vancouver, British Columbia, Canada; Victoria, British Columbia, Canada; Winnipeg, Manitoba, Canada; Dublin, Ireland; and such other preinspection or preclearance sites as the Service may establish in the future, are delegated authority to perform the function of preinspection of passengers and crews on aircraft and surface vessels, as appropriate, which are departing directly to the United States mainland.

(3) The Officer in charge of the office in Montreal, Canada, is authorized to perform preinspection of passengers and crew of aircraft departing directly to the United States mainland and to authorize or deny waivers of grounds of excludability under section 212 (h) and (i) of the Act; also, to approve or deny applications for permission to reapply for admission to the United States after deportation or removal, when filed in conjunction with an application for waiver of grounds of exclud-

ability under section 212 (h) or (i) of the Act.

(iii) *Chief patrol agents*. Under the direction and supervision of a regional director, chief patrol agents are delegated authority to direct the Border Patrol activities of the Service within their respective sectors, including exercising the authority in section 242(b) of the Act to permit aliens to depart voluntarily from the United States prior to commencement of a hearing.

(3) *Director of International Affairs*—(i) *General*. Under the direction and supervision of the Executive Associate Commissioner for Field Operations, the Director of International Affairs is delegated authority to direct and supervise the foreign office district directors, to maintain the integrity and efficiency of the Service's international operations, and to administer programs related to refugee, asylum, and parole benefits. The Director of International Affairs is also responsible for the direction and supervision of overseas preinspection at sites, if any, for which the Commissioner has specifically delegated inspection authority to the Office of International Affairs. The Director serves as the principal liaison with foreign governments and other agencies of the United States in overseas locations.

(ii) *Asylum officers*. Asylum officers constitute a professional corps of officers who serve under the supervision and direction of the Director of International Affairs and shall be specially trained as required in §208.1(b) of this chapter. Asylum officers are delegated the authority to hear and adjudicate credible fear of persecution determinations under section 235(b)(1)(B) of the Act and applications for asylum and for withholding of removal, as provided under 8 CFR part 208.

(iii) *Officer in Charge*. The officers in charge of the offices located at Athens, Greece; Mexico City, Mexico; Ciudad Juarez, Mexico; Rome, Italy; Frankfurt, Germany; Moscow, Russia; Vienna, Austria; Tegucigalpa, Honduras; Bangkok, Thailand; Hong Kong, BCC; London, England; Manila, Philippines; Monterrey, Mexico; Nairobi, Kenya; New Delhi, India; Seoul, Korea; Singapore, Republic of Singapore; Tijuana, Mexico; Port-au-Prince, Haiti; Karachi,

Pakistan; and such other overseas sub-offices as the Service may establish in the future, are delegated authority to perform the following functions:

(A) Authorize waivers of grounds of excludability under sections 212 (h) and (i) of the Act;

(B) Adjudicate applications for permission to reapply for admission to the United States after deportation or removal, if filed by an applicant for an immigrant visa in conjunction with an application for waiver of grounds of excludability under section 212 (h) or (i) of the Act, or if filed by an applicant for a nonimmigrant visa under section 101(a) (15)(K) of the Act;

(C) Approve or deny visa petitions for any relative;

(D) Approve recommendations made by consular officers for waiver of grounds of excludability in behalf of nonimmigrant visa applicants under section 212(d)(3) of the Act and concur in proposed waivers by consular officers of the requirement of visa or passport by a nonimmigrant on the basis of unforeseen emergency in cases in which the Department of State had delegated recommending power to the consular officers;

(E) Exercise discretion to grant or deny applications for the benefits set forth in sections 211 and 212(c) of the Act;

(F) Process Form I-90 applications and deliver duplicate Forms I-551;

(G) Process Form N-565 applications and deliver certificates issued thereunder; and

(H) Grant or deny applications of aliens seeking classification as refugees under section 207 of the Act.

(h) *Executive Associate Commissioner for Policy and Planning.* Under the direction and supervision of the Deputy Commissioner, the Executive Associate Commissioner for Policy and Planning is delegated the authority to oversee the development and coordination of long-range planning activities, and policy formulation, codification, and dissemination within the Agency. The Executive Associate Commissioner is also responsible for informing and advising the Commissioner and the Deputy Commissioner on other issues which cross program lines or bear inter-agency implications. The Executive Associ-

ate Commissioner also serves as liaison with, and representative of, the Service to other organizations engaged in policy development in matters affecting the mission of the Service, research and statistics, and the exchange of statistical, scientific, technological data and research.

(i) *Executive Associate Commissioner for Management—(1) General.* Under the direction and supervision of the Deputy Commissioner, the Executive Associate Commissioner for Management is delegated authority to plan, direct, and manage all aspects of the administration of the Service. The delegation includes the authority to develop and promulgate administrative policies and programs for all financial, human resource, administrative, and information resource matters of the Service. The Executive Associate Commissioner for Management is delegated the authority to settle tort claims of \$25,000 or less than 28 U.S.C. 2672, and to compromise, suspend, or terminate collection of claims of the United States not exceeding \$100,000 (exclusive of interest) under 31 U.S.C. 3711. The Executive Associate Commissioner for Management supervises the Directors of Security, Equal Employment Opportunity, and Files and Forms Management, the Associate Commissioner for Human Resources and Administration, the Associate Commissioner for Finance, the Associate Commissioner for Information Resources Management, and the Directors, Administrative Centers.

(2) *Director of Security.* Under the direction and supervision of the Executive Associate Commissioner for Management, the Director of the Office of Security is delegated authority to develop policy, plan, direct, and coordinate the Service's security program. The Security program includes the application of safeguards in program areas of personnel security, physical security, information and document security, automated data processing and telecommunications security, and contingency planning related to threat, loss, or other serious emergency in any of these areas.

(3) *Director of Equal Employment Opportunity.* Under the direction and supervision of the Executive Associate

Commissioner for Management, the Director of Equal Employment Opportunity is delegated authority to develop policies and to implement and direct the Service's programs relating to equal employment opportunity for all employees and applicants. The Director is responsible for the Service's efforts to comply with provisions of the Civil Rights Act of 1964 and Department of Justice programs and directives affecting discrimination in employment. The Director supervises, coordinates, directs, and evaluates the affirmative employment and discrimination complaint program of the Service.

(4) *Director of Files and Forms Management.* Under the direction and supervision of the Executive Associate Commissioner for Management, the Director of Files and Forms Management is delegated authority to develop policies, plan, coordinate, evaluate, counsel, and direct the Service's National Records Center, Forms Center, SAVE Program, centralized FOIA/PA, records policy, and correspondence files programs.

(5) *Associate Commissioner for Human Resources and Administration.* Under the direction and supervision of the Executive Associate Commissioner for Management, the Associate Commissioner for Human Resources and Administration is delegated authority to develop policies, plan, develop, coordinate, evaluate, counsel, and direct the personnel, career development, contracting, engineering, facility, and administrative programs of the Service. The Associate Commissioner for Human Resources and Administration provides direction to, and supervision of, the:

(i) Assistant Commissioner for Human Resources and Development; and

(ii) Assistant Commissioner for Administration.

(6) *Associate Commissioner for Finance.* Under the direction and supervision of the Executive Associate Commissioner for Management, the Associate Commissioner for Finance is delegated authority to develop policies, plan, develop, coordinate, evaluate, counsel, and direct the Service's resource requirements and utilization. The Associate Commissioner for Finance is responsible for all aspects of financial management, including budgeting, re-

porting, internal controls, and analysis. The Associate Commissioner for Finance is responsible for the presentation of internal reports to management, the preparation of external reports and certifications required by statute or regulation, and the representation of the Service before the Congress, and agencies of the Executive Branch on matters related to financial activities. The Associate Commissioner for Finance is also delegated authority to settle claims of \$10,000 or less under 28 U.S.C. 2672 and to compromise, suspend, or terminate collection of claims of the United States not exceeding \$50,000 (exclusive of interest) under 31 U.S.C. 3711. The Associate Commissioner for Finance provides direction to, and supervision of, the:

(i) Associate Commissioner for Budget; and (ii) Assistant Commissioner for Financial Management.

(7) *Associate Commissioner for Information Resources Management.* Under the direction and supervision of the Executive Associate Commissioner for Management, the Associate Commissioner for Information Resources Management is delegated authority to develop policies, plan, develop, coordinate, evaluate, counsel, manage and direct the Service's Automated Data Processing, Telecommunication, Radio, and Electronic programs. The Associate Commissioner for Information Resources Management provides direction to, and supervision of, the:

(i) Assistant Commissioner for Data Systems; and

(ii) Assistant Commissioner for Systems Integration.

(8) *Directors of Administrative Centers.* Under the direction and supervision of the Executive Associate Commissioner for Management, the directors are delegated authority over the human resources, administrative, information resource, security, and financial activities of the Service within their respective area of responsibility. They are also delegated the authority to: (i) Settle tort claims of \$10,000 or less under 28 U.S.C. 2672; and

(ii) Compromise, suspend, or terminate collection of claims of the United States not exceeding \$50,000 (exclusive of interest) under 31 U.S.C. 3711.

(j) *Immigration Officer.* Any immigration officer, immigration inspector, immigration examiner, adjudications officers, Border Patrol agent, aircraft pilot, airplane pilot, helicopter pilot, deportation officer, detention enforcement officer, detention guard, investigator, special agent, investigative assistant, intelligence officer, intelligence agent, general attorney, applications adjudicator, contact representative, chief legalization officer, supervisory legalization officer, legalization adjudicator, legalization officer and legalization assistant, forensic document analyst, fingerprint specialist, immigration information officer, immigration agent (investigations), asylum officer, or senior or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act and this chapter.

[59 FR 60070, Nov. 22, 1994, as amended at 61 FR 13072, Mar. 26, 1996; 61 FR 28010, June 4, 1996; 62 FR 9074, Feb. 28, 1997; 62 FR 10336, Mar. 6, 1997]

### **§ 103.2 Applications, petitions, and other documents.**

(a) *Filing.* (1) *General.* Every application, petition, appeal, motion, request, or other document submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions, which include where an application or petition should be filed, being hereby incorporated into the particular section of the regulations requiring its submission. The form must be filed with the appropriate filing fee required by § 103.7. Such fees are non-refundable and, except as otherwise provided in this chapter, must be paid when the application or petition is filed.

(2) *Signature.* An applicant or petitioner must sign his or her application or petition. However, a parent or legal guardian may sign for a person who is less than 14 years old. A legal guardian may sign for a mentally incompetent person. By signing the application or petition, the applicant or petitioner, or parent or guardian certifies under penalty of perjury that the application or petition, and all evidence submitted

with it, either at the time of filing or thereafter, is true and correct.

(3) *Representation.* An applicant or petitioner may be represented by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter. A beneficiary of a petition is not a recognized party in such a proceeding. An application or petition presented in person by someone who is not the applicant or petitioner, or his or her representative as defined in this paragraph, shall be treated as if received through the mail, and the person advised that the applicant or petitioner, and his or her representative, will be notified of the decision. Where a notice of representation is submitted that is not properly signed, the application or petition will be processed as if the notice had not been submitted.

(4) *Oath.* Any required oath may be administered by an immigration officer or person generally authorized to administer oaths, including persons so authorized by Article 136 of the Uniform Code of Military Justice.

(5) *Translation of name.* If a document has been executed in an anglicized version of a name, the native form of the name may also be required.

(6) *Where to file.* Except as otherwise provided in this chapter, an application or petition should be filed with the INS office or Service Center with jurisdiction over the application or petition and the place of residence of the applicant or petitioner as indicated in the instructions with the respective form.

(7) *Receipt date.* (i) *General.* An application or petition received in a Service office shall be stamped to show the time and date of actual receipt and, unless otherwise specified in part 204 or part 245 of this chapter, shall be regarded as filed when so stamped, if it is properly signed and executed and the required fee is attached or a fee waiver is granted. An application which is not properly signed or is submitted with the wrong fee shall be rejected as improperly filed. Rejected applications, and ones in which the check or other financial instrument is returned as not payable, will not retain a filing date.